

HOUSE FILE _____
BY HUNTER and BURT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning the statewide fire and police retirement system
2 by establishing a presumption that cancer is work-related for
3 purposes of disability and death benefits for fire fighters
4 and by increasing the contribution rate for fire fighters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1635HH 83
7 ec/sc/14

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1 1 Section 1. Section 411.6, subsection 5, paragraph c, Code
1 2 2009, is amended to read as follows:
1 3 c. Disease under this section shall mean heart disease or
1 4 any disease of the lungs or respiratory tract and shall be
1 5 presumed to have been contracted while on active duty as a
1 6 result of strain or the inhalation of noxious fumes, poison or
1 7 gases. For a member who is a fire fighter, disease under this
1 8 section shall also mean cancer which shall also be presumed to

1 9 have been contracted while on active duty. However, if a
1 10 person's membership in the system first commenced on or after
1 11 July 1, 1992, and the heart disease, or disease of the lungs
1 12 or respiratory tract, or cancer would not exist, but for a
1 13 medical condition that was known to exist on the date that
1 14 membership commenced, the presumption established in this
1 15 paragraph shall not apply.

1 16 Sec. 2. Section 411.6, subsection 9, paragraph a, Code
1 17 2009, is amended to read as follows:

1 18 a. If, upon the receipt of evidence and proof from the
1 19 chief of the police or fire department that the death of a
1 20 member in service was the natural and proximate result of an
1 21 injury or disease incurred in or aggravated by the actual
1 22 performance of duty at some definite time and place, or while
1 23 acting pursuant to order, outside of the city by which the
1 24 member is regularly employed, the system decides that death
1 25 was so caused in the performance of duty, there shall be paid,
1 26 in lieu of the ordinary death benefit provided in subsection
1 27 8, an accidental death benefit as set forth in this
1 28 subsection. Disease under this subsection shall mean heart
1 29 disease or any disease of the lungs or respiratory tract and
1 30 shall be presumed to have been contracted while on active duty
1 31 as a result of strain or the inhalation of noxious fumes,
1 32 poison, or gases. For a member who is a fire fighter, disease
1 33 under this subsection shall also mean cancer which shall also
1 34 be presumed to have been contracted while on active duty.

1 35 Sec. 3. Section 411.8, subsection 1, paragraph f,
2 1 subparagraph (8), Code 2009, is amended to read as follows:

2 2 (8) Beginning July 1, 1996, and each fiscal year
2 3 thereafter, an amount equal to the member's contribution rate
2 4 times each member's compensation shall be paid to the fund
2 5 from the earnable compensation of the member. For the
2 6 purposes of this subparagraph, the member's contribution rate
2 7 shall be nine and thirty-five hundredths percent or, beginning
2 8 July 1, 2009, if the member is a fire fighter, nine and
2 9 four-tenths percent. However, the system shall increase the
2 10 member's contribution rate as necessary to cover any increase
2 11 in cost to the system resulting from statutory changes which
2 12 are enacted by any session of the general assembly meeting
2 13 after January 1, 1991, if the increase cannot be absorbed
2 14 within the contribution rates otherwise established pursuant
2 15 to this paragraph, but subject to a maximum employee
2 16 contribution rate of eleven and three-tenths percent or,
2 17 beginning July 1, 2009, if the member is a fire fighter,
2 18 eleven and thirty-five hundredths percent. The contribution

2 19 rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant
2 20 to this chapter and chapter 97A shall be the only member
2 21 contribution rate increases for these systems resulting from
2 22 the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and
2 23 shall apply only to the fiscal periods specified in 1994 Iowa
2 24 Acts, ch. 1183. After the employee contribution reaches
2 25 eleven and three-tenths percent or eleven and thirty-five
2 26 hundredths percent, as applicable, sixty percent of the
2 27 additional cost of such statutory changes shall be paid by
2 28 employers under paragraph "c" and forty percent of the
2 29 additional cost shall be paid by employees under this
2 30 paragraph.

2 31 EXPLANATION

2 32 This bill provides that cancer contracted by fire fighter
2 33 members of the statewide fire and police retirement system is
2 34 presumed to be a disease contracted while on active duty due
2 35 to the job for purposes of establishing a disability pension
3 1 or providing a death benefit. The bill also provides that the
3 2 presumption will not apply to fire fighter members who joined
3 3 the retirement system after July 1, 1992, in which the cancer
3 4 would not have existed but for a medical condition that was
3 5 known on the date the member joined.

3 6 The bill also increases the minimum contribution rate for
3 7 fire fighter members of the pension system from 9.35 percent
3 8 to 9.4 percent.

3 9 The bill may include a state mandate as defined in Code
3 10 section 25B.3. The state mandate funding requirement in Code
3 11 section 25B.2, however, does not apply to public employee
3 12 retirement systems.

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